

## **NOTICE OF CASELOAD REALLOCATION PLAN**

Please take notice that the Grant Circuit and Superior Courts have prepared a caseload reallocation plan which is subject to approval by the Indiana Supreme Court.

1. The plan is a new plan.
2. Comments regarding the plan should be sent to Grant Superior Court No. 1.
3. Comments by the bar and the public will be received until July 1, 2006.
4. The trial courts of Grant County will adopt, modify or reject the plan by July 31, 2006.
5. The plan will be submitted to the Indiana Supreme Court by August 1, 2006.
6. The caseload reallocation plan will not be effective until approved by the Indiana Supreme Court.
7. The effective date of the caseload plan shall be January 1, 2007.
8. The text of the caseload reallocation plan is posted in the office of the Grant County Clerk of may be viewed on the Indiana Judicial Website.

Date: June 1, 2006

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Jeffrey D. Todd, Judge  
Grant Superior Court No. 1

## **ASSIGNMENT OF CRIMINAL CASES**

- A. All felony and misdemeanor cases filed in the Grant Circuit and Superior Courts will be assigned pursuant to this Rule:
- B. These cases shall be filed in Grant Superior Court No. 3:
  - (1) All misdemeanors, except for trials de novo and jury trial requests from Marion and Gas City Courts.
  - (2) Class D Felony traffic offenses.
  - (3) Class D Felony domestic violence offenses.
  - (4) Other Class D Felony offenses for persons who do not have prior felony convictions.
  - (5) Any case designated as a Drug Court case.
- C. All waivers of juveniles to adult jurisdiction of all crimes from the Grant County Juvenile Court shall be filed in Grant Circuit Court.
- D. All juvenile cases, including automatic waivers to adult court, shall be filed in Grant Superior Court No. 2.
- E. All trial de novo and jury trial requests from Marion and Gas City Courts shall be assigned to Grant Superior Court No. 1.
- F. Other felony cases, including grand jury indictments, shall be filed by random selection in the Grant Circuit Court, Grant Superior Court No. 1 and Grant Superior Court No. 2. However, if charges are pending against an individual in either the Grant Circuit or any of the Superior Courts and a new charge is brought against that individual, the new charge shall be filed in the Court

where the original charge is pending. However, if the new charge is one which should be filed randomly under Rule 2(F) and an earlier charge is pending in Grant Superior Court No. 3 then that new charge shall be filed randomly in accord with Rule 2(F) and not in Grant Superior Court No. 3 and the earlier charge pending in Grant Superior Court No. 3 shall be transferred to the court in which the new charge is filed. If an individual is on probation and a new charge is filed against that individual, that new charge shall be filed in the court where the probation is pending. However, if an individual is on probation in Grant Superior Court No. 3 and the new charge is one which should be filed randomly under this subsection and subsection (F) of this Rule, then the new charge shall be filed randomly in accordance with those subsections. Grant Circuit Court shall impanel the Grand Jury.

- G. Random selection for Circuit Court, Superior Court No. 1 and Superior Court No. 2 shall be done by the Clerk of the Courts. The Clerk shall maintain a closed container with three (3) identical balls. Each of the three (3) balls will be designated for one of these three (3) Courts. When a new felony case is filed for these Courts the Clerk shall randomly select a ball from the closed container and the case shall then be assigned to the Court which has been designated for that particular ball. The Clerk shall enter the Court so designated on the criminal information and record the date and time of the Court selected.
- H. Multiple offenses against the same defendant shall be filed contemporaneously with the other charges using the highest class of charge in determining in which Court the case shall be filed.
- I. Where there are multiple defendants charged in the same case numbers or in different case numbers with felonies and misdemeanors arising out of the same facts and circumstances, all charges shall be filed in the same Court as indicated by this Rule.

- J. When a change of Judge has been granted by a regular Judge of the Grant Circuit and Superior Courts, the remaining three (3) Courts shall constitute the successor courts from which the State and the defendant shall select a Court for transfer. The party who has requested the change of Judge shall strike one of the successor courts within five (5) days after the order granting the change of venue from the Judge has been entered. The other party shall strike another of the successor courts from the panel within five (5) days. If either party fails to strike within the time allotted, the Clerk shall strike one of the Courts. The remaining Court shall be the successor Court and the case shall then be transferred to that Court.
- K. If one of the Judges recuses from a particular case then the case will be assigned to one of the other three (3) Courts of record by a blind draw system such as the one described in paragraph G above.
- L. If one of the three (3) Courts (Circuit, Superior No. 1, and Superior No. 2) becomes over-burdened with cases from the blind draw system that Court's ball may be removed from further draws upon majority vote of the three (3) Judges of those Courts, for whatever length of time and upon such terms and conditions that those Judges agree.

### **ASSIGNMENT OF CIVIL CASES**

- A. Civil cases may be filed in the Circuit Court or any of the Superior Courts. Except that all Mental Health cases shall be filed in Circuit Court; all Small Claims matters shall be filed in Grant Superior Court No. 3, and all CHINS proceedings shall be filed in Grant Superior Court No. 2.